

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Donelle Moten

-Plaintiff

Case No: 2:20-cv-01766-WED

vs.

Violations of 1st Amendment Violation(s) by 42
U.S.C. 1981

Emerson Electric Company and
InSinkErator

-Defendant(s)

Amended Complaint

NOW COMES the Plaintiff Donelle Moten with causes of action against the Defendants Emerson Electric Company and InSinkErator for Retaliatory Discharge under the First Amendment of the U.S. Constitution by 42 U.S.C. 1981 and sets out as follows.

JURISDICTION AND VENUE

1. This lawsuit is brought under the First Amendment of the U.S. Constitution by 42 U.S.C. 1981, 1986 and 1988, the Eighth Amendment of the United States Constitution, and 28 U.S.C. 1331 and 1342(3). These statutory and constitutional provisions confer original jurisdiction of this Court over this matter.

PARTIES

2. That Donelle Moton is a male African American who is domiciled in Racine County WI.
3. Emerson Electric Company is a foreign business entity to the State of Wisconsin and is located in St Louis MO with a registered agent for service of process known as and at CT Corporation System 301 S. Bedford St. Suite 1 Madison, WI 53703.
4. InSinkErator is a business entity owned by Emerson Electric Company and is located at 4700 21st Street Racine, WI 53406 with no registered agent for service of process listed by the Wisconsin Department of Financial Institutions.

BACKGROUND

5. That Plaintiff realleges and readopts paragraphs 1-4 as though fully set out herein.
6. That Plaintiff was employed by InSinkErator which is owned and controlled by Emerson Electric Company at all times material hereto.
7. That Plaintiff had previously filed a claim against the Defendant InSinkErator with the Federal Equal Employment Opportunity Commission ("EEOC") on or about 10/17/2020, charge number 443-2019-001136C.
8. That on or about 10/23/2020 Plaintiff was fired by InSinkErator for filing EEOC Complaint 443-2019-001136C.
9. That as a result of being fired by InSinkErator the Plaintiff was harmed.

COUNT 1

Retaliatory Discharge for Exercise of 1st Amendment and By 42 U.S.C. § 1981

10. That Plaintiff adopts and re alleges paragraphs 1-9 as though fully set out herein.

11. That the Plaintiff had a 1st Amendment right to file complaint 443-2019-001136C with the EEOC.
12. That in retaliation by InSinkErator the Plaintiff was fired for exercising his 1st Amendment Right to file an EEOC Complaint.
13. That Emerson Electric Company is liable *respondeat superior* to the Plaintiff and by virtue of owning InSinkErator.
14. That as a result of InSinkErator's retaliatory discharge of the Plaintiff, the Plaintiff was harmed

Prayers for Relief

Wherefore, Plaintiff demands judgment against Defendant for the harm set out above as follows:

Under the First Amendment by 42 U.S.C. §1981:

- a. For any general damages;
- b. For lost income and benefits;
- c. For emotional harm;
- d. For attorney's fees under 42 U.S.C. 1988;

Total Relief Sought: \$300,000.00

Dated this 15th of January 2021
Attorneys for Plaintiff,

/s/ Paul A. Strouse
Paul Strouse- *Attorney at Law*
SBN: 1017891

The Law Offices of Paul Strouse
825 W. Wisconsin Ave.
Milwaukee WI 53203
(414) 390-0820